

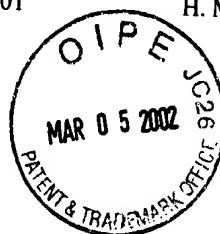


# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/910,345	07/20/2001	H. Michael Shepard	23896-201700

Antoinette F. Konski  
McCutchen, Doyle, Brown & Enersen, LLP  
18th Floor  
Three Embarcadero Center  
San Francisco, CA 94111



CONFIRMATION NO. 4437  
FORMALITIES LETTER  
  
\*OC00000007101543\*

COPY OF PAPERS  
ORIGINALLY FILED Date Mailed: 11/20/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

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10/08/2002 JADD01  
FC:205

O I P E S  
MAR 05 2002  
PATENT & TRADEMARK OFFICE  
**FEES TRANSMITTAL  
FOR FY 2002**COPY OF PAPERS  
ORIGINALLY FILED

Patent fees are subject to annual revision.

## TOTAL AMOUNT OF PAYMENT

(\$65.00)

Complete If Known	
Application Number	09/910,345
Filing Date	July 20, 2001
First Named Inventor	H. Michael Shepard
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	NB 2017.00

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-1189**

Deposit Account Name **McCutchen Doyle Brown & Enersen LLP**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit Card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	330	219	160	Notice of Appeal	
120	330	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$65.00)

\*\* or number previously paid, if greater; For reissues, see above.

SUBMITTED BY					Complete (if applicable)
Name (Print/Type)	Antoniette F. Konski	Registration No. (Attorney/Agent)	34,202	Telephone	(650) 849-4950
Signature	<i>Antoniette F. Konski</i>			Date	1/18/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL  
FORM

(to be used for all correspondence after filing)

Total number of Pages in this submission

X~~X~~ 10

Application Number	09/910,345
Filing Date	July 20, 2001
First Named Inventor	H. Michael Shepard
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket No.	NB 2017.00

Box MISSING PARTS

Commissioner for Patents  
Washington, D.C. 20231

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> FEE TRANSMITTAL FORM	<input checked="" type="checkbox"/> ASSIGNMENT PAPERS (FOR AN APPLICATION)	<input type="checkbox"/> AFTER ALLOWANCE COMMUNICATION TO GROUP
<input type="checkbox"/> FEE ATTACHED	<input type="checkbox"/> DRAWING(S)	<input type="checkbox"/> APPEAL COMMUNICATION TO BOARD OF APPEALS AND INTERFERENCES
<input type="checkbox"/> AMENDMENT/RESPONSE	<input type="checkbox"/> LICENSING-RELATED PAPERS	<input type="checkbox"/> APPEAL COMMUNIATION TO GROUP (APPEAL NOTICE, BRIEF, REPLY BRIEF)
<input type="checkbox"/> AFTER FINAL	<input type="checkbox"/> PETITION ROUTING SLIP (PTO/SB/60) AND ACCOMPANYING PETITION)	<input type="checkbox"/> PROPRIETARY INFORMATION
<input type="checkbox"/> AFFIDAVITS' DECLARATION(S)	<input type="checkbox"/> TO CONVERT A PROVISIONAL APPLICATION	<input type="checkbox"/> STATUS LETTER
<input type="checkbox"/> EXTENSION OF TIME	<input type="checkbox"/> POWER OF ATTORNEY, REVOCATION CHANGE OF CORRESPONDENCE ADDRESS	<input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):
<input type="checkbox"/> EXPRESS ABANDONMENT REQUEST	<input type="checkbox"/> TERMINAL DISCLAIMER	SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 37 C.F.R. 1.53, DECLARATION AND POWER OF ATTORNEY, COPY OF NOTICE OF MISSING PARTS AND RETURN POSTCARD
<input type="checkbox"/> INFORMATION DISCLOSURE STATEMENT W/1449	<input checked="" type="checkbox"/> SMALL ENTITY STATEMENT	
<input type="checkbox"/> CERTIFIED COPY OF PRIORITY DOCUMENT(S)	<input type="checkbox"/> REQUEST FOR REFUND	
<input checked="" type="checkbox"/> RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION		
<input type="checkbox"/> RESPONSE TO MISSING PARTS UNDER 37 CFR 1.52 OR 1.53 COPY OF PTO-1533		
<input type="checkbox"/> ISSUE FEE TRANSMITTAL		
<input type="checkbox"/>		

## REMARKS:

McCUTCHEN, DOYLE, BROWN & ENERSEN LLP  
THREE EMBARCADERO CENTER, SUITE 1800  
SAN FRANCISCO, CA 94111  
TELEPHONE: (650) 849-4050  
FACSIMILE: (650) 849-4800

DATE: JANUARY 18, 2002

BY:

ANTOINETTE F. KONSKI (REG. NO. 34,202)

## CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on this date: January 18, 2002.

By:

Peggy Nichols

Name of person signing: Peggy Nichols

## Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to Box: Missing Parts, Commissioner for Patents, Washington D.C. 20231.

Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner \_\_\_\_\_ at Facsimile No. \_\_\_\_\_ at a.m./p.m.



Dated: January 18, 2002 Name of Person Certifying: Peggy Nichols  
Printed Name: Peggy Nichols

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY OF PAPERS  
ORIGINALLY FILED

Applicant: H. Michael Shepard, et al.

Filing Date: July 20, 2001

Examiner: Unassigned

Serial No.: 09/910,345

Group Art Unit: Unassigned

Title: METHODS FOR IDENTIFYING THERAPEUTIC  
TARGETS FOR TREATING INFECTIOUS DISEASE

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

## Submission of Missing Parts of Application Under 37 C.F.R. 1.53

Sir:

In response to the Notice of Missing Parts of Application mailed on November 20, 2001, enclosed are the following items for filing in the above-referenced U.S. Patent Application:

- Declaration and Power of Attorney [4] page(s)  
Payment for surcharge for late filing  \$65.00 *small entity*  \$130.00 *large entity*
- A Petition for Extension of Time. (three- months), [2] page(s) Fee \$
- Applicant(s) claim Small Entity Status under 37 CFR § 1.27.
- Copy of Notice of Missing Parts of Application dated November 20, 2001.
- Request for Refund under 37 CFR 1.28(a) for the overpayment of the filing fee and surcharge.
- Return Postcard.
- Other:

TOTAL FEES: \$65.00

Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this communication have been considered.

Check in the amount of \$ \_\_\_\_\_, Check No. \_\_\_\_\_ to cover the Total Fees due is enclosed.

Please charge the above fee(s) to Deposit Account No. 50-1189, Docket No. 23896-7101, in the amount of \$65.00 to cover the above fees. *A duplicate copy of this sheet is attached.*

The Commissioner is hereby authorized to charge payment of any additional fees due or credit any overpayment to Deposit Account No. 50-1189, Docket No. 23896-7101. *A duplicate copy of this sheet is enclosed.*

Having now complied with all of the requirements of 37 C.F.R. 1.53, applicant respectfully requests that this application be placed upon the files for examination.

Date:

January 18, 2002

Respectfully submitted,

By:   
Antoinette F. Konski  
Registration No. 34,202

McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4950  
Telefax: (650) 849-4800

Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this communication have been considered.

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Date:

July 18, 2003

Respectfully submitted,

By:

Antoinette F. Konski

Antoinette F. Konski  
Registration No. 34,202

McCutchen, Doyle, Brown & Enersen, LLP  
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- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE